

General Civil Case Filing Information Form (Non-Domestic)

Court

☒ Superior
☐ State
County FULTON

Date Filed _____

MM-DD-YYYY

Docket # 2004 CV 94553

Plaintiff(s)

WARE, TONY L

Last First Middle I Suffix Prefix Maiden

T L WARE BOTTLING COMPANY, INC

Last First Middle I Suffix Prefix Maiden

Last First Middle I Suffix Prefix Maiden

Last First Middle I Suffix Prefix Maiden

No. of Plaintiffs 2

Plaintiff/Petitioner's Attorney

☐ Pro SeJohnson Sr Michael R

Last First Middle I Suffix Prefix

Bar # 395056

Check Primary Type (Check only ONE)

- ☐ Contract/Account
☐ Wills/Estate
☐ Real Property
☐ Dispossessory/Distress
☐ Personal Property
☒ Equity
☐ Habeas Corpus
☐ Appeals, Reviews
☐ Post Judgment Garnishment, Attachment, or Other Relief
☐ Non-Domestic Contempt
☒ Tort (If tort fill in right column)
☒ Other General Civil Specify RICO, Fraud, Unfair
Business Practices and etc

Defendant(s)

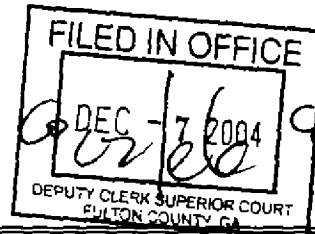
FLEETBOSTON FINANCIAL CORPORATION

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Last First Middle I Suffix Prefix Maiden

No. of Defendants 1

If Tort is Case Type:

(Check no more than TWO)

- ☐ Auto Accident
☐ Premises Liability
☐ Medical Malpractice
☐ Other Professional Negligence
☐ Product Liability
☒ Other Specify RICO, Fraud, Unfair
Business Practices and etc

Are Punitive Damages Pleaded? ☒ Yes ☐ No

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

TONY L WARE, CEO and
T.L WARE BOTTLING COMPANY, INC.

PLAINTIFFS,
vs.

CIVIL ACTION
FILE NO _____.

FLEETBOSTON FINANCIAL CORP.

DEFENDANT.

SUMMONS

TO THE ABOVE NAMED DEFENDANT

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiffs' attorneys whose names and addresses is

MR MICHAEL R JOHNSON, SR., Esq
JOHNSON & ASSOCIATES
340 W Peachtree Street, Suite 200
ATLANTA, GEORGIA 30308

MR TONY L WARE, CEO
T L WARE BOTTLING CO
1033 Kipling Street, SE
ATLANTA, GEORGIA 30315

an answer to the complaint which is herewith served upon you within 30 days after the service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 7 day of DEC, 20 04

Juanita Hicks
Clerk of Superior Court

By _____

Gleb
Deputy Clerk

To Defendant upon whom this petition is served

This copy of the complaint and Summons was served upon you _____, 20____

Deputy Sheriff

1 **IN THE SUPERIOR COURT OF FULTON COUNTY**

2 **STATE OF GEORGIA**

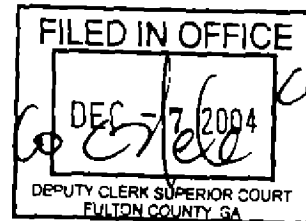
3
4 **TONY L. WARE, CEO and**
5 **T. L. WARE BOTTLING CO., INC.,**

6 **Plaintiffs,**

7 **vs.**

8 **FLEETBOSTON FINANCIAL CORP.**
9 **F/K/A BANKBOSTON CORP.**

10 **Defendant.**



) **CIVIL ACTION FILE NUMBER:**

) 2004CV 94553

) **VERIFIED COMPLAINT**

) **DEMAND FOR TRIAL BY JURY**

11
12 **COMPLAINT FOR DAMAGES, INJUNCTION,**
13 **FRAUD, RICO AND GROSS NEGLIGENCE**

14 **COMES NOW, TONY L. WARE, CEO and T. L. WARE BOTTLING**
15 **COMPANY, INC.,** known as the Plaintiffs in the above-styled civil action and files
16 this Complaint against the above-named Defendant **FLEETBOSTON FINANCIAL**
17 **CORP., F/K/A BANKBOSTON CORP.,** within the statute of limitation pursuant to
18 18 U S C § 1961, O C G A § 16-14-6, O C G A § 9-3-34 and shows this Honorable
19 Court by stating their Complaint as follows

20 **I. PRELIMINARY STATEMENT**

21 1 This is a civil action for damages, injunction, RICO, fraud and gross
22 negligence brought by Tony L Ware, CEO and T L Ware Bottling Company, Inc ,
23 against the Defendant FleetBoston Financial Corporation and for the Defendant's
24 participation in the illegal actions committed by its former agent named Fidelity
25 Acceptance Corporation against the Plaintiffs and also for Defendant's aiding and
abiding in the continuing torts, trespass, unlawful levies, abusive and oppressive
behavior by its former agents and subsidiaries namely Fidelity Acceptance

1 Corporation, Fidelity Financial Services, Inc , Admiral Life Insurance Company and
 2 American Lender Service Company The acts by the Defendant were very deceptive
 3 to the Plaintiffs and were a fraud against them With other illegal actions done by the
 4 Defendant, the Defendant violated both the Georgia and Federal (RICO Acts) See,
 5 O C G A § 16-14-1 the Racketeer Influenced and Corrupt Organization Act while in
 6 the scope of Defendant's business Therefore, the Defendant is also in violation of
 7 Federal Law 18 U S C § 1832(a) (relating to Theft of Trade Secrets) and pursuant
 8 Georgia Laws O C G A § 51-6-1(relating to Fraud), O C G A § 51-10-3 (relating to
 9 Trespass), O C G A § 16-8-1(A) & (B) (relating to Theft), O C G A § 40-3-90(3) & (4)
 10 and all other laws stated herein this Complaint

11 **II. PARTIES**

12 2 The above-named Plaintiff T L WARE BOTTLING COMPANY, INC is a
 13 Georgia Corporation with its attorney address at 340 West Peachtree Street, N E ,
 14 Suite 200, Atlanta, Georgia 30308 and may by served with any notices or other
 15 services in this action at its attorneys address of record in this action Therefore, this
 16 Plaintiff is subject to the jurisdiction of this Honorable Court

17 3 The above-named Plaintiff Tony L Ware mailing address is located at P O
 18 Box 150524-Dept 0227, Atlanta, Georgia 30315-0188 and he may by served with
 19 any notices or other services in this action at this address of record in this action
 20 Therefore, this Plaintiff is subject to the jurisdiction of this Honorable Court

21 4 The above-named Defendant FLEETBOSTON FINANCIAL CORP , is a
 22 foreign corporation withdrawn form doing business in this state pursuant to O C G A
 23 § 14-2-1520(c) and can be served with process of the Summons and Complaint at its
 24 registered agent by law who is Cathy Cox, Secretary of State located at 2 Martin
 25 Luther King Jr Drive, N E , Suite 315, Atlanta, Georgia 30334 Therefore, Defendant
 is subject to the jurisdiction of this Honorable Court See, Exhibit "A" attached hereto

26 **III. JURISDICTION AND VENUE**

27 5 Jurisdiction and venue pursuant to O C G A § 14-2-510(b)(1) and O C G A
 28 § 14-2-1520(c) are vested in this Court This action is based upon RICO violations in
 29 which the Defendant has engaged in and thus venue is proper in this Court as a

1 matter of law Therefore, jurisdiction and venue of this Court also arises under the
 2 legal doctrine of pendent jurisdiction as set forth in United Mine Worker v. Gibb, 383
 3 U.S. 715 (1966) Venue is placed in this County because is where all parties may be
 4 served with service of process and it is where such events complained of occurred

5 **IV. FACTUAL ALLEGATIONS**

6 The Plaintiffs avers that the illegal actions alleged herein concerning the
 7 Defendant are continuing torts, frauds, thefts, trespasses and RICO violations against
 8 the Plaintiffs, their officers and agents through a described pattern of racketeering
 9 activity to which the Plaintiff begins this cause of action These illegal actions done
 10 by this Defendant began on June 4th, 1994 to the present date of filing this complaint

11 7 In March 1993 Plaintiff Tony L Ware, Chairman and CEO financed a
 12 vehicle with the Defendant's subsidiary Fidelity Financial Services, Inc See, Exhibit
 13 "B" attached hereto This vehicle was then lease by Mr Ware to Plaintiff T L Ware
 14 Bottling Company, Inc , under an agreement with the Plaintiff by Tony L Ware

15 8 On June 4th, 1994 Defendant aided and abided with its agents American
 16 Lender Service Company, Fidelity Acceptance Corporation and Fidelity Financial
 17 Services, Inc , by illegally repossessing the Plaintiffs' vehicle with the Plaintiffs'
 18 personal and corporate property contain in the vehicle at the time of Defendant's
 19 illegal repossession Defendant and its agent Fidelity Acceptance Corporation on or
 20 about August 28th, 1994 and October 26, 1994 aided and abetted with Fidelity
 21 Financial Services, Inc , a dummy corporation controlled by the Defendant and with
 22 the help of American Lender Service Company of Atlanta (also controlled by the
 23 Defendant) engaged in the illegal levy of the Plaintiffs' personal and corporate
 24 property, by Defendant knowing of its agents Fidelity Acceptance Corporation and
 25 Fidelity Financial Services, Inc , to illegally withhold the Plaintiffs' property either
 permanently and/or temporarily Defendant's former agents Fidelity Acceptance
 Corporation and Fidelity Financial Services, Inc , are now holding the Plaintiffs'
 property without any legal right or legal justification to do so

9 The Plaintiffs' property that is being illegally held because of Defendant's
 illegal action and assistance to its former officers and agents are listed as follows

(a) Plaintiff's U.S. Patent Pending Documents; (c) Invention Documents, (d) Corporation Documents and other Confidential Property, (e) Corporate Stocks and (f) Plaintiff's leased vehicle.

10 Because of Defendant's aiding and abiding in these illegal actions by its former agents, said property of the Plaintiffs' may have been disposed of by Defendant's agents Fidelity Acceptance Corporation and Fidelity Financial Services, Inc., so as to make it unlikely that the Plaintiffs' will never recover their property because of Defendant's thefts which constitute a pattern of racketeering activity See, Exhibit "C" attached hereto

11 The Defendant acted in this illegal trespass and theft by its conduct, actions and words of its officers, agents, servants and managers of its former dummy corporations Fidelity Acceptance Corporation and Fidelity Financial Services, Inc. The perpetration of Defendant's aiding and abiding in the illegal trespass and theft of the Plaintiffs' property was a fraud against the Plaintiffs. Therefore, the Defendant is liable equally with the actual trespass and thefts done by its dummy corporations that are Fidelity Acceptance Corporation and Fidelity Financial Services, Inc., and American Lender Services Company of Atlanta. See, Exhibit "E" attached hereto

12 The value of the Plaintiffs' personal and corporate property exceeds \$500,000.00 to which these Plaintiffs may no longer recover such property in this civil action. The Defendant also acted in the wrongful and illegal levy of the Plaintiffs' property on or about June 14th, 1994. The actions by this Defendant, its agents and managers were malicious, wanton, bad faith, willful misconduct and a fraud to the Plaintiffs

13 Defendant never had a relationship with the Plaintiffs contractually or otherwise. The Defendant would have its subsidiaries namely Fidelity Acceptance Corporation and Fidelity Financial Services, Inc., to enter into all contracts with Plaintiff Tony L. Ware as a sham and to defraud the Plaintiffs and their officers, servants and agents. Thereafter, Defendant's subsidiaries would then contact credit-reporting agencies to report false debts on Plaintiff Tony L. Ware after securing such

1 contracts under fraud with Mr Ware These actions have continued over 5 years
2 concerning other consumers which affects interstate commerce and trade

3 14 Defendant allowed Fidelity Acceptance Corporation to harassed and
4 swindled the Plaintiffs, their officers and agents and others out of their money
5 Defendant's agents and officers knowingly used the United States Mails to further its
6 illegal schemes by threatening to do further illegal actions to the Plaintiffs, their
7 offices and agents after being notified by the Plaintiffs to cease further illegal actions
8 or damage to the Plaintiffs' property

9 15 The Defendant through a pattern of racketeering activity would control
10 dummy corporations, such as Fidelity Financial Services, Inc , and American Lender
11 Services Company Thereafter, Defendant would have its agents and managers of
12 these dummy corporations to finance low income people or people with bad credit
13 when they were buying a new or used car in Georgia The dummy corporation of
14 Fidelity Financial Services, Inc , were under the control of the Defendant These
15 dummy corporations would charge very high interest rates at 30% to 39% in violation
16 of Georgia Law O.C.G.A. § 7-4-18 the Criminal Loan Sharking Statute

17 16 The Defendant would tell its officers and agents of these dummy
18 corporations that when customers got behind on his or her car note that they would
19 accept late payments The Defendant would then order the managers or agents of
20 both Fidelity Acceptance Corporation and Fidelity Financial Services, Inc , to
21 repossess customers vehicles without a notice contrary to Georgia Law Thereafter
22 the Defendant's dummy corporation such as Fidelity Acceptance Corporation and
23 Fidelity Financial Services, Inc , would contact these customers stating that they
24 owed the balance of their car note The Defendant has ordered the managers and
25 agents of its dummy corporations Fidelity Acceptance Corporation and Fidelity
Financial Services, Inc , to repossess customer's vehicles and property without a
cause or legal right even though some customers were not in default or late on their
car note This is what happened to the Plaintiffs lease vehicle

17 By Defendant aiding and abiding in these thefts, such a constitute a willful
trespass of Plaintiff's corporate property The Defendant's thefts and trespasses

1 were a harassment and damage to Plaintiff's property Defendant's abuse was to
2 engage in a conduct of natural consequence, which was to harass, oppress and
3 abuse the Plaintiffs' property This was in connection with the collection of false
debts from the Plaintiffs' and their officers and agents

4 18 Defendant also aided and abided its subsidiary Fidelity Acceptance
5 Corporation by illegally allowing Fidelity Acceptance Corporation to act as a collection
6 agency in Georgia without filing a \$50,000 00 bond that is required by Georgia Law
7 On September 18th, 1996 Plaintiff Tony L Ware went to the Clerk of Superior Court
8 of Fulton County to see whether the Defendant Fidelity Acceptance Corporation had
9 filed the required bond of \$50,000 00 dollars as required by Georgia Law when
10 Plaintiff Tony L Ware found that no such bond was filed with the Clerk of Superior
11 Court of Fulton County in order for the Defendant's subsidiary Fidelity Acceptance
12 Corporation to transact any business in this State by collecting money in this State
13 Nor was Defendant's agent Fidelity Acceptance Corporation authorized to collect any
money from Plaintiffs This again was willful misconduct, bad faith and a fraud to the
Plaintiffs and their officers and agents

14 19 The Plaintiffs found no such record of a bond filed in the Clark of Superior
15 Court of Fulton County or in any county in this State that this Defendant's agent
16 Fidelity had ever filed a \$50,000 00 dollars bond while collecting and receiving
17 money for payment to third persons in this State and purchasing retail installment
18 contracts that require local performance Defendant violated of Georgia Law by way
19 of transacting business in this State without having a certificate of authority from the
20 Secretary of State during August 1993 to April 1999 and was therefore unauthorized
to transact any business in this State until it first obtains a certificate of authority from
the Secretary of State as a matter of law

21 20 Because of Defendant's illegal actions, threats, false representations,
22 frauds, oppression, wanton, thefts, trespass and abuse of their collection practices
23 and its illegal actions to the Plaintiffs, their personal property and because of the
24 force and impact of these illegal actions thereof, the Plaintiffs sustained property
25 damages under and pursuant to Georgia Law and these losses are as follows.

- (a) Plaintiffs' U S Patent Pending Documents,
- (b) Invention Documents,
- (c) Corporation Documents,
- (d) Stock Value,
- (e) Corporate Stocks,
- (f) Plaintiff's soft drink formulas,
- (g) Property rights and or its use thereof,
- (h) Loss of good will, and
- (i) Loss of Business Profits for the year of 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002 and 2003

21 The Plaintiffs lost corporate income in the amount and sum of \$35,850,960 00 or more concerning its property and income. The Plaintiffs further had losses of business investments in the amount of \$45,500,000 00 or more due to investments which could have been made to the Plaintiffs. However, the Defendant and its agents stop the Plaintiffs from receiving loans, selling its corporate stocks and from opening up checking or saving accounts banks in the State of Georgia due to the false credit reporting by Defendant's agents.

22 The Plaintiff has made settlement attempts with this Defendant and made a unliquidated demand for damages to the Defendant by U S Certified Mail and further by telephone calls but the Defendant failed to respond to such demands and has acted in bad faith with willful misconduct in not settling the Plaintiffs' legal claims which is required by law.

23. Under these circumstances the Plaintiffs are entitled to verdict and judgment as a matter of law. Therefore, all damages amounts stated in this Complaint shall be deemed liquidated damages and or punitive damages as a matter of law if not objected to by said Defendant. Defendant is liable to the Plaintiffs in the damages stated herein.

24 The Defendant intentionally committed theft by deception to the Plaintiffs by creating or confirming another's impression of an existing fact or past event which is false and which this accused Defendant knows or believes to be false thereby fails to correct a false impression of an existing fact or past event which Defendant has previously created or confirmed and prevents the Plaintiffs from acquiring information pertinent to the disposition of the Plaintiffs' property involved in Defendant's thefts.

V. CAUSE OF ACTION

25 Plaintiffs repeats, realleges and incorporates by reference paragraphs one through twenty-four 1-24 as stated herein above in this complaint

COUNT ONE:

(TRANSACTIONING BUSINESS WITHOUT AUTHORITY)

26 The Defendant intentionally violated Georgia Law O C G A § 14-2-1501(a) the Georgia Business Corporation Code, Act Ga Law 1988, page 1070 by failing to obtain a certificate of authority to transact business in this State from the Georgia Secretary of State from June 1992 to April 1999 Defendant illegally transacted business in this State without having a certificate of authority and is therefore was unauthorized to collect any debts from Plaintiffs or their officers, agents and servants Defendant may not transact any business in this State until it first obtains a certificate of authority from the Secretary of State that is required by law

COUNT TWO:

(RICO RACKETEERING)

27 The Defendant intentionally violated Federal Law 18 U S C § 1961 and Georgia Law O C G A § 16-14-1 of the Racketeer Influenced and Corrupt Organization Acts by committing the following

28 The knowing and the intentional failure of the Defendant, its officers and agents namely Fidelity Acceptance Corporation, Fidelity Financial Services, Inc , and American Lender Services Company to disclose material facts about the Plaintiffs' property and Defendant's deliberate misrepresentations of these material facts which constitute a fraud against the Plaintiffs in conjunction with Defendant's aiding and abiding in the thefts and other illegal actions against the Plaintiffs and others like them Defendant aided and abided its agent to illegally send other documents and remittances to the Plaintiffs through the United States Mails as described above which constitute repeated violations of Federal Law 18 U S C § 641 relating to mail fraud and violated Georgia Law O C G A § 16-8-1(A) and (B), § 16-8-2 relating to

1 thefts which further constitute acts of racketeering activity as those terms are defined
2 under Federal Law 18 U S C § 1961

3 29 As stated herein, Defendant controlled dummy corporations that were
4 Fidelity Acceptance Corporation, Fidelity Financial Services, Inc., and American
5 Lender Service Company of Atlanta and aided and abided them to conduct their
6 illegal trespasses and thefts against the Plaintiffs and other like them Defendant's
7 agents has continued to withhold Plaintiffs' property by such illegal actions done by
8 the Defendant Defendant had no legal justification or right to have its agents to
9 permanently or temporarily hold the Plaintiffs' property The following are deemed
10 the property losses by the Plaintiffs

11 (a) Plaintiffs' U.S. Patent Pending
12 Documents, (c) Invention Documents, (d)
13 Corporation Documents and Property, (e)
14 Corporate Stocks and (f) plaintiff's leased vehicle.

15 30 The Defendant intentionally disposed of Plaintiffs' property so as to make it
16 unlikely that the Plaintiffs will ever recover it though a pattern of racketeering activity

17 31 As averred herein Defendant had its agents and managers to finance
18 people with bad credit when they were buying a new or used car in Georgia The
19 dummy corporation Fidelity Financial Services, Inc., under the control of the
20 Defendant would charge very high interest rates of 30% to 39% The Defendant
21 would then tell its agents of the dummy corporation that when customers get behind
22 on their car notes that they would accept late payments and thus declare them in
23 default The Defendant would then order the managers or agents of Fidelity
24 Financial Services, Inc., to repossess their cars without a legal notice that such
25 person is in default

32 The Defendant has intentionally ordered its agents of its dummy
corporation Fidelity Financial Services, Inc. to repossess customer's vehicles without
any cause or legal right to do so These thefts constitute acts of racketeering activity
as that term is defined in of Federal Law 18 U S C 1964(a)(b)(c)

33 Defendant conducted and participated in the conduct of each of the
enterprises and corporations stated herein through the above-described pattern of

1 racketeering activity which their activity has affected interstate commerce in violation
 2 of both Federal Law 18 U S C § 1964(a)(b)(c) and Georgia Law O C G A § 16-14-
 3 4(a)(b)(c) See, Exhibits attached hereto

4 34 Defendant FleetBoston Financial Corporation intentionally conspired with
 5 Fidelity Acceptance Corporation, Fidelity Financial Services, Inc., and American
 6 Lender Service Company to violate Federal and State RICO Law Defendant
 7 acquired and maintained an interest in and was in total control of its dummy
 8 corporations namely Fidelity Acceptance Corporation and Fidelity Financial Services
 9 Inc., to violate 18 U S C § 1964 See, Exhibit "C" attached hereto

10 35 Defendant intentionally and unlawfully obtained property and proceeds
 11 from the Plaintiffs and others like them through a pattern of racketeering activity in
 12 this State and by using the proceeds derived therefrom to acquire or maintain,
 13 directly or indirectly, their interest in or control of their enterprise and other personal
 14 property of the Plaintiffs of any nature, including money

15 **COUNT THREE:**

16 **(THEFT BY DECEPTION, TAKING AND RECEIVING)**

17 36 Defendant intentionally violated of O C G A § 16-8-3(a)(b)(1)(2)(3) and §
 18 16-8-7 by creating or confirming another's impression of an existing fact or a past
 19 event which Defendant knows to be false and which the Defendant knows or believes
 20 to be false thereby fails to correct a false impression of an existing fact or past event
 21 which Defendant has previously created or confirmed and prevents the Plaintiff from
 22 acquiring information pertinent to the disposition of their property involved and
 23 Defendant's aiding and abiding in the theft by receiving stolen property from the
 24 Plaintiffs to which Defendant knows or should have known that it was the lawful
 25 property of the Plaintiff, and that the Defendant should have restored said property to
 the Plaintiffs as a matter of law

26 **COUNT FOUR:**

27 **(CONSPIRACY TO COMMIT A CRIME)**

28 37 Defendant intentionally violated Georgia Law O.C.G A § 16-4-8 by
 29 conspiring with their dummy corporations and disusing on their premises for the

purpose of committing a crime and for the purpose of depriving, directly or indirectly Plaintiffs' property and their equal protection of their property rights under the laws of this State and the Plaintiffs' equal privileges and immunities of its officers and agents under the law Defendant intentionally committed these crimes as averred in this Complaint by the Plaintiffs in the State of Georgia

COUNT FIVE:

(THEFT OF TRADE SECRETS)

38 Defendant intentionally violated Federal Law 18 U.S.C. § 1832(a)(1)(2)(3)(5) by committing the offense of theft of trade secrets from the Plaintiffs and by stealing the Plaintiffs' trade secrets without the Plaintiffs' authorization and by appropriating their property by carrying it away to another location and for the purpose of concealing the same by fraud, artifice, or by deception. Defendant did through its agents had possession such property and information of the Plaintiffs and knowing the same to have been stolen or appropriated, obtained, or converted without the Plaintiffs' authorization

COUNT SIX:

(DECEPTIVE PRACTICES)

39 Defendant intentionally violated of Georgia Law O.C.G.A. §§ 10-1-393, 10-1-399(a) by intentionally causing confusion or actual misunderstanding as to the connection with other companies, committing fraud against the Plaintiffs and selling bad and defective products and or services through its dummy corporations

COUNT SEVEN:

(GROSS NEGLIGENCE)

40 The Defendant's acts amount to gross negligence by not having a degree of care that every man of common sense exercises under the same or similar circumstances. In absence of such care by the Defendant, Defendant's acts are termed gross negligence as a matter of law

41 The reckless indifference by the Defendant against the Plaintiffs caused the Defendant to act with actual and imputed knowledge of the inevitable or probable

1 consequence of its illegal action and that Defendant knew its conduct would inflict
2 injury to the Plaintiffs and the fact that Defendant's actions to aid and abide in the
3 trespass and thefts was an abuse to the Plaintiffs Defendant harassed, oppressed
4 and/or damage the Plaintiffs' property and trade secrets in the connection with its
illegal actions done against the Plaintiffs

5 **COUNT EIGHT:**

6 **(FAILURE TO FILE BOND TO COLLECT PAYMENTS)**

7 42 The Defendant intentionally violated Georgia Law O C G A § 10-6-100 the
8 Georgia Law, Ga Law 1976, page 558 by failing to file a \$50,000 00 bond in the
9 Superior Court of Fulton County while acting as a collection agency with its agents in
this State as required by law named herein

10 **COUNT NINE:**

11 **(FRAUD, BAD FAITH, AND MALICE AND WILLFUL MISCONDUCT)**

12 43 The Defendant intentionally made representations to the Plaintiffs (a) that
13 it was authorized to transact business in the State of Georgia from 1992 to 1999 and
14 that its agent Fidelity Financial Services, Inc, did not have possession of the
15 Plaintiffs' property, (b) the Plaintiffs relied of these false representations made to the
16 Plaintiffs, (c) the Plaintiffs acted on said representations by contacting their office
17 when ever the Plaintiffs needed assistance from the Defendant concerning their
18 property and Defendant's illegal actions to the Plaintiffs, (d) thereafter the Plaintiffs
19 has been injured as a result of such false and misleading representations and that (e)
the Plaintiffs have had losses of their property and their interest in such property

20 **COUNT TEN:**

21 **(TRESPASS AGAINST PROPERTY)**

22 44 Defendant violated of Georgia Law O C G A § 51-10-3 by an unlawful
23 abuse and damage done to the personal property of the Plaintiff's which constitutes a
24 trespass against the Plaintiffs' property and property rights The illegal trespass by
25 the Defendant against the Plaintiffs caused damages to their property and their
property rights See, King vs. Citizens Bank, 88 Ga. App 40, 76 SE2d 86 (1953)

VI. FIRST CLAIM FOR RELIEF

45 The Plaintiffs repeats and reallege and incorporates by reference paragraphs one through forty-four 1-44 as stated herein this complaint

46 All actions taken by said Defendant FleetBoston Financial Corporation warrant the amount and sum of all damages including punitive damages stated herein this complaint as a matter of law

STATUTORY PROPERTY DAMAGES

47 The Plaintiffs are demanding liquidated/compensatory damages from the Defendant in the amount and sum of **\$75,507,000.00** (SEVENEY-FIVE MILLION FIVE HINDERED AND SEVEN THOUSAND DOLLARS) for their economic loss of business profits, loss of corporate stock value, property loss, its property interest and property rights and that said damages be tripled pursuant to O C G A § 16-14-6(c) and Federal Law 18 U S C § 1964(c) the **(RICO) Acts** from this Defendant and for the loss and/or destruction of the Plaintiffs' property and their property rights with Defendant's deliberate disregard of the Plaintiffs' property rights under the law

PUNITIVE DAMAGES

48 The Plaintiffs are also demanding punitive damages against the Defendant for their unlawful acts and liability caused by Defendant's willful intent to cause harm to the Plaintiffs, their property and their property rights and for Defendant's willful misconduct, malice, wanton, racketeering violations, thefts, trespass and frauds Because of Defendant's willful intent to cause harm to the Plaintiffs, the Plaintiffs are demanding the amount of **\$95,000,000 00** (NINTY-FIVE MILLION DOLLARS) in punitive damages

PRE INTEREST JUDGMENT

49 The Plaintiffs are also demanding pre interest judgment from **June 4th, 1994**, until the date of final judgment in this action

VII. SECOND CLAIM FOR INJUNCTIVE RELIEF

50 The Plaintiffs repeats and reallege and incorporates by reference paragraphs one through forty-nine 1-49 as stated herein this complaint

1 51 All actions taken by said Defendant FleetBoston Financial Corporation
2 warrant the Court issuing a writ of injunction against the Defendant in favor of the
3 Plaintiffs as stated herein this Complaint as a matter of law

4 52 Give the forgoing illegal actions and violation of the Federal and State laws
5 as herein averred by the Plaintiffs, and because the Plaintiffs believes that other
6 future torts, illegal action and fraud will take place against the Plaintiffs because of
7 the filing of this action and the outcome thereof

8 53 The Plaintiffs has no other remedy at law and demands that the Defendant
9 be restrained and enjoined from the following acts to wit

10 (a) That the Defendant be permanently enjoined and restrained from assisting
11 any of its subsidiaries, its officers, agents and servants from performing any acts
12 averred herein by the Plaintiffs and deemed by the Court to be illegal and a fraud to
13 the Plaintiffs and other consumers in the State of Georgia,

14 (b) That the Defendant be permanently enjoined and restrained from operating
15 in this State without a Certificate of Authority from the Georgia Secretary of State and

16 (c) That the Defendant be permanently enjoined and restrained committing
17 any further torts against the Plaintiffs as stated in this Complaint

18 **VIII. THRID CLAIM FOR BILL OF PEACE RELIEF**

19 54 The Plaintiffs repeats and reallege and incorporates by reference
20 paragraphs one though fifty-three 1-53 as stated herein this complaint

21 55 The Plaintiffs avers that if they are successful in their claims against the
22 Defendant FleetBoston Financial Corporation, the Plaintiffs demands that this Court
23 issue a bill of peace against the Defendant, its officers, agents, attorneys, servants,
24 and assigns by settling all claims and further enjoining them from filing any motions,
25 pleadings or appeals for the purpose of delay of any rights adjudicated by the Court
in this civil action

26 **PLAINTIFFS' PRAYER FOR RELIEF**

27 **WHEREFORE,** THE Plaintiffs hereby prays and demands full Judgment
28 against the Defendant known as FleetBoston Financial Corporation f/k/a BankBoston
29 Corporation for relief to the Plaintiffs stated in this Complaint as follows

1 (1) Property damages in the amount of **(\$75,507,000 00)**
2 and that they be tripled pursuant to Federal Law 18 U S C §
3 1964(c) and O C G A § 16-14-6(c) (RICO) Acts for Plaintiff's
4 economic losses and or destruction of the Plaintiffs' personal
5 property with deliberate disregard of the Plaintiffs' property and for
6 violations of Georgia Law O C G A §10-1-393(a), § 10-1-399

7 (2) Punitive damages against the Defendant FleetBoston
8 Financial Corporation in the amount and sum of **(\$95,000,000.00)**
9 and that they be tripled for Defendant's, RICO violations, its willful
10 misconduct, illegal actions, thefts, trespass, wanton, frauds and
11 failing to negotiate a settlement with the Plaintiffs pursuant to 18
12 U S C § 1964(c) and O C G A § 16-14-6(c) (RICO) Acts,

13 (3) The Plaintiffs demands that the Defendant be enjoined
14 and restrained from the following acts to wit

15 (a) That the Defendant be enjoined and
16 restrained from assisting any of its subsidiaries, its
17 officers, agents and servants from performing any
18 acts alleged herein by the Plaintiffs and that is
19 deemed by the Court to be illegal and a fraud against
20 the Plaintiffs and all other consumers in the State of
21 Georgia,

22 (b) That the Defendant be enjoined and
23 restrained from operating in this State without a
24 Certificate of Authority from the Georgia Secretary of
25 State and

(c) That the Defendant be enjoined and
restrained from committing any further torts against
the Plaintiffs as stated in this Complaint

(4) The Plaintiffs avers that if they are successful in their
claims against the Defendant FleetBoston Financial Corporation,
the Plaintiffs demands that this Court issue a bill of peace against
the Defendant, its officers, agents, attorneys, servants, and assigns
by settling all claims and rights of the Plaintiffs and further enjoining
Defendant from filing any motions, pleadings or appeals for the

1 purpose of delay of any rights adjudicated by the Court in this civil
2 action

3 (5) Award all attorney fees to the Plaintiffs, pre interest
4 judgment at (12%) per annum from June 4th, 1994 until the date
5 final judgment is entered in this action plus all Court Costs

6 This 01 Dec day of December, 2004.

7 **Respectfully Submitted,**

8 

9 **Michael R. Johnson, Sr.**
10 **Attorneys for the Plaintiff**
11 **Georgia Bar No. 395056**

12 **Respectfully Submitted,**

13 

14 **Dr. Tony L. Ware, Chairman & CEO**
15 **Plaintiff, Pro Se**

16 Plaintiffs Mailing Addresses:

17 **Johnson & Associates, P. C.**
18 **340 West Peachtree Street, N.E.**
19 **Suite 200**
20 **Atlanta, Georgia 30308**
(404) 688-7100

21 **Dr. Tony L. Ware, PhD, JD**
22 **P.O. Box 150524-Dept. 0227**
23 **Atlanta, Georgia 30315-0188**
24 **(404) 945-0342**
25

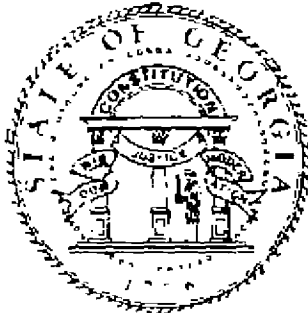
PLAINTIFFS'

EXHIBIT

“A”

Document Attached:

Records of FleetBoston Financial Corp.
From the
Georgia Secretary of State



Cathy Cox
Secretary of State
State of Georgia

GEORGIA SECRETARY OF STATE
Corporations Division
Suite 315, West Tower
2 Martin Luther King Jr , Drive
Atlanta, Georgia 30334-1530
(404) 656-2817

Warren H. Rary
Director

CONTROL NUMBER	K919525
DATE INC/AUTH/FILED	05/11/1999
JURISDICTION	DELAWARE
PRINT DATE	12/04/2004
FORM NUMBER	220

BUSINESS INFORMATION PRINTOUT

This information is provided without certification from the business registration database maintained by the Secretary of State as of the print date on the following entity

**FLEETBOSTON FINANCIAL CORPORATION
A FOREIGN PROFIT COMPANY**

ADDRESS
1209 N ORANGE ST
WILMINGTON , DE 198011120

CEO
M A FERRUCCI
SEC
TIM E LUTTHANS

CFO
A M HORNE
REGISTERED AGENT & OFFICE
C T CORPORATION SYSTEM
1201 PEACHTREE ST
ATLANTA , GA 30361

Date of last annual registration
Status
Status Date

03/23/2004
WITHDRAWN (FOREIGN)
07/21/2004

Secretary of State
Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CONTROL NUMBER · K919525
EFFECTIVE DATE 05/11/1999
JURISDICTION : DELAWARE
REFERENCE . 0045
PRINT DATE 05/11/1999
FORM NUMBER : 316

CT CORPORATION SYSTEM
RUDENE REMBERT
1201 PEACHTREE STREET, NE
ATLANTA, GA 30361

CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS

I, Cathy Cox, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

FLEET BOSTON CORPORATION
A FOREIGN PROFIT CORPORATION

has been duly incorporated under the laws of the jurisdiction set forth above and has filed an application meeting the requirements of Georgia law to transact business as a foreign corporation in this state

WHEREFORE, by the authority vested in me as Corporations Commissioner, the above named corporation is hereby granted, on the effective date stated above, a certificate of authority to transact business in the State of Georgia as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.



Cathy Cox
Secretary of State



Secretary of State
Lewis A. Massey

CORPORATIONS DIVISION
Suite 315, West Tower
2 Martin Luther King Jr. Drive
Atlanta, Georgia 30334-1530
(404) 657-1375

APPLICATION FOR CERTIFICATE OF AUTHORITY

DO NOT WRITE IN SHADED AREA - SOS USE ONLY

DOCKET # <u>1591310929</u>	PENDING CONTROL # <u>P217521</u>	CONTROL # <u>15919525</u>
Docket Code <u>316</u>	Name Reservation # _____	Corporation Type <u>CP</u>
Date Filed <u>5-11-99</u>	Amount Received \$ <u>270.00</u>	Check/Receipt # _____
Jurisdiction (State/Country) Code <u>DE</u>	_____	
Examiner <u>45</u>	Date Completed _____	

NOTICE TO APPLICANT: PRINT PLAINLY OR TYPE REMAINDER OF THIS FORM.
INSTRUCTIONS ARE ON THE BACK OF THIS FORM.

1. <u>Pleer Boston Corporation</u> Corporate Name			
April 26, 1999 Date Business Commenced (or Proposed) in Georgia		Check One: <input checked="" type="checkbox"/> Profit <input type="checkbox"/> Non-Profit	
2. <u>CT Corporation System - Nicole Robie</u> Applicant / Attorney			
Telephone Number _____			
<u>2 Oliver St.</u> Address			
<u>Boston</u> City	<u>MA</u> State	<u>02109</u> Zip Code	
3. <u>Delaware</u> Jurisdiction (Home State/Country)	<u>April 20, 1999</u> Date of Incorporation	<u>Perpetual</u> Period of Duration	
<u>Corporation Trust Center, 1209 Orange Street</u> Principal Office Mailing Address of Corporation			
4. <u>Wilmington, Delaware 19801</u> City	<u>State</u>	<u>Zip Code</u>	
5. <u>C.T. Corporation System</u> Name of Registered Agent in Georgia			
<u>c/o C.T. Corporation System, 1201 Peachtree Street, N.E.</u> Registered Office Street Address in Georgia			
<u>Atlanta</u> City	<u>Fulton</u> County	<u>GA</u> State	<u>30361</u> Zip Code
6. See attached list of officers			
Officer/CEO		Address/City, State, Zip	
Officer/CFD		Address/City, State, Zip	
Officer/SEC		Address/City, State, Zip	
<u>19801</u>		<u>Delaware</u>	
<u>19801</u>		<u>Delaware</u>	
<u>19801</u>		<u>Delaware</u>	
<u>19801</u>		<u>Delaware</u>	
Director		Address/City, State, Zip	
7. NOTICE: Mail or deliver an original and one copy of this form and the Secretary of State filing fee (profit - \$170; nonprofit - \$70) to the Secretary of State at the above address. FEES ARE NON-REFUNDABLE. A certificate of existence, certified by the home state or country within 90 days of filing in Georgia, must be filed with this application. Photostated or faxed documents will not be accepted.			
Authorized Signature: <u>Nicole Robie</u>		Date: <u>5/7/99</u>	
Nicole Robie			

Appendix to Georgia
Application for Certificate of Authority

**Officers of
Fleet Boston Corporation**

1. M. A. Ferrucci, President
Corporation Trust Center, 1209 Orange Street
Wilmington, Delaware 19801
2. A. M. Horne, Vice President, Treasurer, Assistant Secretary
Corporation Trust Center, 1209 Orange Street
Wilmington, Delaware 19801
3. Kim E. Luthans, Vice President, Secretary, Assistant Treasurer
Corporation Trust Center, 1209 Orange Street
Wilmington, Delaware 19801
4. C.M. Denny, Vice President, Assistant Secretary
Corporation Trust Center, 1209 Orange Street
Wilmington, Delaware 19801
5. Nicole Robie, Vice President
Corporation Trust Center, 1209 Orange Street
Wilmington, Delaware 19801
6. Kristen Betzger, Assistant Secretary
Corporation Trust Center, 1209 Orange Street
Wilmington, Delaware 19801

State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "FLEET BOSTON CORPORATION" IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FIRST DAY OF APRIL, A.D. 1999.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE NOT BEEN ASSESSED TO DATE.




Edward J. Freel, Secretary of State

3032309 8300

991155870

AUTHENTICATION

9698328

DATE

04-21-99

SECRETARY OF STATE
BUSINESS INFORMATION AND SERVICES
SUITE 315, WEST TOWER
2 MARTIN LUTHER KING JR. DRIVE
ATLANTA, GA 30334-1530

EXPEDITE REQUEST

NAME OF CORPORATION

See Attached

DOCUMENTS BEING EXPEDITED:

Qualif.

NAME OF REQUESTOR.

Ruthere Lambert
~~XXXXXXXXXX~~
C T CORPORATION SYSTEM
1001 PEACHTREE STREET
ATLANTA, GA 30361
PH. = 404-888-6498

Secretary of State
Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

DOCKET NUMBER : K93080001
CONTROL NUMBER : K919525
DATE AUTHORIZED : 05/11/1999
JURISDICTION : DELAWARE
EFFECTIVE DATE : 11/03/1999
REFERENCE : 0048
PRINT DATE : 11/04/1999
FORM NUMBER : 626

CT CORPORATION SYSTEM
PATTIE HARDY
1201 PEACHTREE STREET, NE
ATLANTA, GA 30361

AMENDED CERTIFICATE OF AUTHORITY WITH NAME CHANGE

I, Cathy Cox, the Secretary of State and Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

FLEET BOSTON CORPORATION
A FOREIGN PROFIT CORPORATION

incorporated under the laws of the jurisdiction stated above and authorized to transact business in Georgia on the date stated above, has amended its application to transact business by the filing of an amendment changing its name to

FLEETBOSTON FINANCIAL CORPORATION

and by the paying of fees as required by Title 14 of the Official Code of Georgia Annotated Attached hereto is a true and correct copy of said application

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above

██

██



Cathy Cox
Cathy Cox
Secretary of State



Cathy Cox
Secretary of State

CORPORATIONS DIVISION
Suite 315 West Tower
2 Martin Luther King Jr Dr
Atlanta, Georgia 30334-1530
(404) 656-2817

K93080001

CT CORPORATION SYSTEM
PATTIE HARDY
1201 PEACHTREE STREET NE
ATLANTA, GA 30361

Reservation Number : K93010513
Control Number : K919535
Date Authorized : 06/11/1999
Jurisdiction : DELAWARE
Amount Due : \$20.00
Print Date : 10/28/1999
Form Number : 316

APPLICATION FOR AMENDED CERTIFICATE OF AUTHORITY
OF

FLEET BOSTON CORPORATION
A FOREIGN PROFIT CORPORATION

An amended certificate of authority must be obtained only if a foreign corporation changes its corporate name, its period of duration, or the state or country of its incorporation. Attach a certificate issued by an official of the corporation's jurisdiction of incorporation attesting to the occurrence of the amendment. Photostated or faxed copies of the certificates will not be accepted.

Complete (where applicable) and return all copies of this form with a check made payable to the Secretary of State for the amount due above which represents the filing fee and (if due) the annual fees.

The name by which the corporation will hereafter be known is

FLEETBOSTON FINANCIAL CORPORATION

NEW PERIOD OF DURATION : _____

NEW JURISDICTION : _____

Muel Rohde

10/29/99

Signature of Corporate Officer

Date

CORPORATION NAME ADDRESS CITY STATE ZIP

FLEET BOSTON CORPORATION	1201 PEACHTREE STREET	ATLANTA	GA	30361
MAILING ADDRESS CHANGE TO				
CEO: M. A. FARRINGTON	1208 ORANGE ST	WILMINGTON	DE	19801
CFO: A. M. MORSE	1208 ORANGE ST	WILMINGTON	DE	19801
SEC: KIM E. LUTTRELL	1208 ORANGE ST	WILMINGTON	DE	19801
ACT: C. T. CORPORATION SYSTEM	1201 PEACHTREE ST.	ATLANTA	GA	30361
MAKE CORRECTIONS OR CHANGES BELOW (TYPE OR PRINT)				
NAME	STREET ADDRESS	CITY	STATE	ZIP
CEO:				
CFO:				
SEC:				
ACT:				
I HEREBY CERTIFY THAT I AM AUTHORIZED TO SIGN THIS FORM, THE INFORMATION IS TRUE AND CORRECT		FIRM:		FIRM COMMUNICATION
APPROVED SIGNATURE		COUNTY OF RECORD		COUNTY
DATE		REGISTERED OFFICE:		CHANGE OR CORRECTION
TITLE:		FEE: \$20.00 DC K919535 FF		

DELIVER (1999) 1999 CORPORATION ANNUAL REGISTRATION

TOTAL P 22

RECEIVED
3 2 15 PM '99
SECRETARY OF STATE

State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "FLEET BOSTON CORPORATION", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "FLEETBOSTON FINANCIAL CORPORATION", THE TWENTY-SIXTH DAY OF OCTOBER, A D 1999, AT 1 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CORPORATION IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE NOT HAVING BEEN CANCELLED OR DISSOLVED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANSACT BUSINESS.




Edward J. Freel, Secretary of State

3032309 8320

991453609

AUTHENTICATION

0046623

DATE

10-26-99

SECRETARY OF STATE
BUSINESS INFORMATION AND SERVICES
SUITE 315, WEST TOWER
2 MARTIN LUTHER KING JR. DRIVE
ATLANTA, GA 30334-1530

is
658101017

EXPEDITE REQUEST

NAME OF CORPORATION

See Attached

DOCUMENTS BEING EXPEDITED:

Amendment

NAME OF REQUESTOR:

RUDENE REMBERT
C T CORPORATION SYSTEM
1201 PEACHTREE STREET
ATLANTA, GA 30361
PH. # 404-888-6488

Secretary of State
Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

DOCKET NUMBER : 042080698
CONTROL NUMBER : K919525
DATE AUTHORIZED: 05/11/1999
JURISDICTION : DELAWARE
EFFECTIVE DATE : 07/21/2004
REFERENCE : 0077
PRINT DATE : 07/26/2004
FORM NUMBER : 127

C T CORPORATION SYSTEM
RUDENE REMBERT
1201 PEACHTREE STREET, NE
ATLANTA, GA 30361

CERTIFICATE OF WITHDRAWAL

I, Cathy Cox, the Secretary of State and Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

FLEETBOSTON FINANCIAL CORPORATION
A FOREIGN PROFIT CORPORATION

incorporated under the laws of the jurisdiction stated above and authorized to transact business in Georgia on the date stated above, has filed an application for withdrawal in the Office of the Secretary of State and has paid the required fees pursuant to Title 14 of the Official Code of Georgia Annotated and the Rules and Regulations promulgated thereunder. Therefore, the authority of said corporation to transact business in Georgia is hereby terminated. Attached hereto is a true and correct copy of said application.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above



Cathy Cox
Secretary of State



Cathy Cox
Secretary of State

CORPORATIONS DIVISION

Suite 315 West Tower
2 Martin Luther King Jr Dr
Atlanta, Georgia 30334-1530
(404) 656-2817

CT CORPORATION SYSTEM
JENNIFER SCHWARTZ
1209 ORANGE ST
WILMINGTON, DE 19801

Docket Number : 041890774
Control Number : K919525
Date Filed : 05/11/1999
Jurisdiction : DELAWARE
Amount Due \$20.00
Print Date 07/07/2004
Form Number 238

**APPLICATION FOR WITHDRAWAL
OF**

**FLEETBOSTON FINANCIAL CORPORATION
A FOREIGN PROFIT CORPORATION**

The above named corporation is not transacting business in Georgia and hereby surrenders its authority to transact business in this state. The corporation revokes the authority of its registered agent and consents that service of process may be made on said corporation by service upon the Secretary of State. The address listed below is the street address where the corporation may be served legal process. The corporation also acknowledges its legal obligation to notify the Secretary of State of any change in mailing address.

Complete and return all copies of this form with a check made payable to the Secretary of State for the amount due above which represents the filing fee and (if due) the annual fees.

LEGAL SERVICE ADDRESS:

Rebecca Francis

Bank of America

50 Kennedy Plaza, 16th Floor Providence, RI 02903

Signature of Corporate Officer

Date

Rebecca Francis

7/15/04

CORPORATION NAME

ADDRESS

CITY

STATE

ZIP

SECRETARY OF STATE
2004 JUL 21 P 2:33
CORPORATIONS DIVISION

FLEETBOSTON FINANCIAL CORPORATION	1209 N ORANGE ST	WILMINGTON	DE	198011120
-----------------------------------	------------------	------------	----	-----------